

Alycia A. Degen (SBN 211350)
adegen@sidley.com
Sean A. Commons (SBN 217603)
scommons@sidley.com
SIDLEY AUSTIN LLP
555 West Fifth Street
Los Angeles, CA 90013
Telephone: +1 213 896 6010

Ahilan Arulanantham (SBN 237841)
arulanantham@law.ucla.edu
UCLA CENTER FOR IMMIGRATION LAW
AND POLICY
385 Charles E. Young Dr. East
Los Angeles, CA 90095
Telephone: +1 310 825 1029

Jessica Karp Bansal (SBN 277347)
jessica.b@uwunited.org
UNEMPLOYED WORKERS UNITED
1355 N. Mentor Ave, #40583
Pasadena, CA 91104
Telephone: +818-570-6731

Attorneys for Plaintiffs
[Additional Counsel Listed on Next Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KESHAV BHATTARAI; SAJJAN PANDEY;
SUMNIMA THAPA; DONALDO POSADAS
CACERES; SORAYDA RODRIGUEZ
MOTIÑO; DENIS MOLINA CHAVEZ; S.S.,
individually and on behalf of others similarly
situated; and G.D.P., individually and on
behalf of others similarly situated,

Plaintiffs,

v.

KIRSTJEN NIELSEN, in her official capacity
as Secretary of Homeland Security; ELAINE
C.DUKE, in her official capacity as Deputy
Secretary of Homeland Security; UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY; and UNITED STATE OF
AMERICA

Defendants.

Case No. 3:19-cv-00731-EMC

JOINT STATUS REPORT

The Honorable Edward M. Chen

Additional Counsel for Plaintiffs

Emilou MacLean (SB 319071)
emaclean@aclunc.org
William S. Freeman (SBN 82002)
wfreeman@aclunc.org
ACLU FOUNDATION
OF NORTHERN CALIFORNIA
39 Drumm Street
San Francisco, California 94111
Telephone: +1 415 621 2493

Mark E. Haddad (SBN 205945)
markhadd@usc.edu
Adjunct Lecturer in Law
USC Gould School of Law*
University of Southern California
699 Exposition Boulevard
Los Angeles, CA 90089-0071
Telephone: +1 213 675 5957

Nicole M. Ryan (SBN 175980)
nicole.ryan@sidley.com
SIDLEY AUSTIN LLP
555 California Street
Suite 2000
San Francisco, CA 94104
Telephone: +1 415 772 1219

Marisol Ramirez (SBN 307069)
marisol.ramirez@sidley.com
SIDLEY AUSTIN LLP
555 West Fifth Street
Los Angeles, CA 90013
Telephone: +1 213 896 6000
Facsimile: +1 213 896 6600

Jennifer Pasquarella (SBN 263241)
jpasquarella@aclusocal.org
ACLU FOUNDATION
OF SOUTHERN CALIFORNIA
1313 West 8th Street
Los Angeles, CA 90017
Telephone: +1 213-977-5236

Caleb Soto (SBN 315901)
csoto@ndlon.org
NATIONAL DAY LABORER
ORGANIZING NETWORK
1030 S. Arroyo Pwy., Ste 106
Pasadena, CA 91105
Telephone: +1 626 799 3566

** Institution listed for identification purposes only*

1 As ordered by the Court, the Parties hereby submit this Joint Status Report in advance of the
2 February 21, 2023 Status Conference. Dkt. 50.

3 As described in the Parties' previous Joint Status Reports, Dkts. 39, 43, this action is stayed
4 pending final disposition of Defendants' appeal of the preliminary injunction in *Ramos v. Nielson*,
5 No. 18-01554 ["*Ramos* appeal"] or other order of this Court. The *Ramos* appeal remains pending. On
6 September 14, 2020, a panel of the Ninth Circuit reversed this Court's preliminary injunction in
7 *Ramos*. Plaintiffs subsequently filed a Petition for Panel Rehearing and Rehearing En Banc. On June
8 25, 2021, while that petition remained pending, the *Ramos* appeal was referred to the Ninth Circuit
9 Mediation program for settlement discussions. The parties were unable to reach a settlement. On
10 October 26, 2022, the appeal was released from the Mediation Program. ECF No. 150.¹ On February
11 10, 2023, the Ninth Circuit granted Plaintiffs' Petition for Rehearing En Banc and vacated the
12 September 14, 2020 panel opinion. ECF No. 153. En banc oral argument will take place the week of
13 June 20, 2023. ECF No. 154.

14 On November 16, 2022, DHS announced that, in order to ensure continued compliance with
15 this court's preliminary injunction in *Ramos* and this court's order staying proceedings in this matter,
16 it would continue through June 30, 2024 the Temporary Protected Status (TPS) and TPS-related
17 documentation, including employment authorization documents (EADs) of beneficiaries under the
18 existing TPS designations for El Salvador, Nicaragua, Honduras, and Nepal; the 2011 designation of
19 Haiti; and the 2013 designation of Sudan. *See* Continuation of Documentation for Beneficiaries of
20 Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and
21 Nepal, 87 Fed. Reg. 68717, Nov. 16, 2022. This continuation covers all TPS holders protected by
22 this court's orders whose TPS has not been withdrawn for individual ineligibility under INA, section
23 244(c)(3).²

24
25 ¹ "ECF" citations refer to the docket for the *Ramos* appeal.

26 ² Haiti was newly designated for TPS on August 3, 2021. *See* Notice of Temporary Protected Status
27 designation, 86 Fed. Reg. 41863, Aug. 3, 2021. Sudan was newly designated for TPS on April 19,
28 2022. *See* Notice of Temporary Protected Status Designation, 87 Fed. Reg. 23202, April 19, 2022.
The continuation of TPS and specified TPS-related documentation in compliance with the *Ramos*
preliminary injunction does not cover TPS holders who registered for the first time under these new
designations.

Respectfully submitted,

/s/Alycia A. Degen
ALYCIA A. DEGEN
SIDLEY AUSTIN LLP
555 West Fifth Street
Los Angeles, CA 90013
Telephone: +1 213 896 6010
Facsimile: +1 213 896 6600
adegen@sidley.com

Attorney for Plaintiffs

BRIAN M. BOYNTON

Principal Deputy Assistant Attorney General

BRIGHAM J. BOWEN
Assistant Branch Director

/s/ Christopher M. Lynch
CHRISTOPHER M. LYNCH
D.C. Bar No. 1049152
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Tel: (202) 353-4537
Fax: (202) 616-8470
Email: christopher.m.lynch@usdoj.gov

Attorneys for Defendants

CIVIL LOCAL RULE 5-1(i) ATTESTATION

Pursuant to Local Rule 5-1(i)(3), regarding signatures, Alycia A. Degen hereby
attests that concurrence in the filing of this document has been obtained from counsel for
Defendants.

/s/ Alycia A. Degen